



CLOSED CASE SUMMARY

ISSUED DATE: JULY 3, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0009

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 - Domestic Violence Investigation 15.410-POL 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents	Not Sustained - Training Referral
# 2	15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Not Sustained - Training Referral
# 3	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1) inadequately investigated and dismissed Community Member #1's (CM#1)—the Complainant's roommate—mental health crisis and assaultive behavior.

ADMINISTRATIVE NOTE:

On May 23, 2023, Seattle's Office of Inspector General certified this OPA investigation as timely, thorough, and objective.

SUMMARY OF INVESTIGATION:

A. Computer-Aided Dispatch Data and Incident Report

On January 4, 2023, the Complainant called 9-1-1 four times about CM#1's behavior. The first call came at 1:25 PM. The 9-1-1 call taker noted, "[The Complainant's] roommate throwing small [object] at him yelling at him calling him a demon, saying she is a god. [Roommate] left, expected to return in about 10 min. No [injuries] medics declined, [suspect] has been using marijuana today, no [weapons]."

Updates to the call indicated the parties were formerly romantically involved and had a history of domestic violence [DV]. Other updates reported that the Complainant barricaded himself in his room while CM#1 hit his window and



screamed at him. NE#1, Witness Employee #1 [WE#1], and Witness Employee #2 [WE#2] responded to the incident location. NE#1 updated the call to note that she “spoke with [the Complainant]. Roommate [gone on arrival]. No crime. [The Complainant] is concerned for roommate’s mental health. Is in contact with crisis line, [child protective services,] and lawyer advising on Joel’s law.” NE#1 cleared the call as a DV argument with assistance rendered.

At 4:38 PM, the Complainant called 9-1-1 again. The call taker noted, “[The Complainant] calling about female roommate [accusing] him of things, [the Complainant] already called today and had officers out there, [the Complainant] says they’re verbally arguing again, [possibly] high/[intoxicated], no [weapons].” The Complainant told the call taker that CM#1 was likely in the area dumpster diving. NE#1 and Witness Employee #3 [WE#3] responded. NE#1 updated the call noting, “Roommate [gone on arrival]. Only verbal argument. [The Complainant] angry with police for ‘not doing their job.’” That call was also cleared as a DV argument with assistance rendered.

At 8:52 PM, the Complainant called 9-1-1 a third time. He reported that CM#1 stole his phone and threatened to kill him, but she was not at their apartment. NE#1 was not dispatched for that call. Three other officers responded and cleared the call as a DV argument with assistance rendered.

B. Training Records

NE#1’s relevant training records included the following:

- Washington State Criminal Justice Training Commission - 2022 Annual Crisis Intervention Team Online Course (9/16/2022)
- Seattle Police Department - Crisis Intervention Team Tactics 40 Hour (9/9/2022)
- Washington State Criminal Justice Training Commission - 2022 Annual Crisis Intervention Team Online Course (8/26/2022)

C. Global Positioning System (GPS) Data

GPS records showed NE#1 canvassed 62nd Avenue NE after each response at the incident location.

D. OPA Interviews

On January 9, 2023, OPA spoke with the Complainant over the phone. He declined to provide a recorded statement but briefly spoke about his history with CM#1. The Complainant denied feeling threatened by CM#1. He said that while he did not want CM#1 arrested, he believed NE#1 dismissed his report that CM#1 threw objects at him. The Complainant wanted CM#1 involuntarily committed.

On March 6, 2023, OPA interviewed NE#1. NE#1 said she was familiar with the Complainant and CM#1 from prior DV calls. NE#1 said the Complainant declined her offer of an alternate place to stay for the night. She said the Complainant wanted CM#1 evaluated, but she was not there. NE#1 said she told the Complainant to call 9-1-1 again if CM#1 returned and exhibited signs of crisis or assaultive behavior. NE#1 acknowledged that her report did not include the



Complainant's claim that CM#1 threw a bible at him but explained that it was unclear whether the Complainant meant that day or during their several past DV incidents.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.410 - Domestic Violence Investigation 15.410-POL 5. The Department is Committed to a Thorough Primary Investigation of Domestic Violence Incidents

The Complainant alleged that NE#1 conducted an inadequate primary investigation into a DV incident.

In addition to primary investigation requirements, officers will attempt to obtain an alleged offender's DV history, complete a DV supplement, assess the presence/ownership of firearms, and use the sworn affirmation form for victim and witness statements. SPD Policy 15.410-POL-5 (See SPD Policy 15.180 for primary investigation requirements).

Here, it was clear, and NE#1 admitted she knew that the Complainant and CM#1 formerly had a dating relationship. They were roommates, former partners, and shared children. Over the phone with the 9-1-1 call taker, on the phone with NE#1, and in person with NE#1, the Complainant reported that CM#1 threw a book at him. Nevertheless, NE#1 did not ask follow-up questions (like the size and whether he was hit or injured) about the book or earrings the Complainant said were thrown at him. Instead, NE#1 concluded there was no crime.

NE#1 admitted to OPA that her investigation could have been more thorough. Particularly, her failure to probe the Complainant's statements, including "if [they] were in Bellevue, [CM#1] would have been arrested for throwing thing at [him]" and "...but throwing a bible at someone and hitting them in the head with it," when NE#1 suggested no crime occurred.

Accordingly, OPA recommends this allegation be Not Sustained - Training Referral.

- Required Training: NE#1's chain of command shall review OPA's findings and SPD Policy 5.410-POL-5 with NE#1 and provide necessary retraining and counseling. Any retraining and counseling shall be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

15.410 - Domestic Violence Investigation 15.410-POL 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect

The Complainant alleged that NE#2 failed to protect him, the victim of a DV incident, and arrest CM#1, the offender.

When responding to DV incidents, officers must determine whether a DV incident exists, conduct a primary investigation, arrest the offender if there is probable cause, appropriately document, give the victim an SPD DV Resource Guide, explain to the victim how to get an order of protection, ask whether firearms or other deadly weapons are accessible to the suspect, and take the victim to a safe place. SPD Policy 5.410-POL-3.



Here, NE#1 knew the Complainant and CM#1 had a dating relationship, but as explained above, she failed to establish whether violence occurred that day. Similarly, she conducted a limited primary investigation by interviewing the Complainant but not following up on allegations indicating violence. Further, even though the Complainant told the 9-1-1 call taker that CM#1 was across the street visiting her kids, NE#1 did not attempt to contact her. Moreover, she did not offer the Complainant a resource guide or inquire about deadly weapons accessible to CM#1. The only criteria NE#1 satisfied was offering the Complainant safe accommodations for the night, which he declined.

Accordingly, OPA recommends this allegation be Not Sustained - Training Referral.

- Required Training: NE#1's chain of command shall review OPA's findings and SPD Policy 5.410-POL-3 with NE#1 and provide necessary retraining and counseling. Any retraining and counseling shall be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional by dismissing his concerns about CM#1.

Department employees must strive to be professional. SPD Policy 5.001-POL-10. "Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." *Id.*

Here, there is insufficient evidence that NE#1's uninspiring primary investigation resulted from a lack of diligence or a need for further training on DV responses. NE#1 was a relatively new officer with about two years at SPD. Other than the abovementioned matters, NE#1 engaged with the Complainant in a patient and professional manner. While her primary investigation was lacking, NE#1's demeanor and disposition met department standards.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**